

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

CATHERINE GEBHARDT,)
Plaintiff,) CASE NO. 3:15-CV-286
v.) JURY DEMAND
BEAL FINANICIAL CORPORATION,)
LORRAINE BROWN, JOYCE LINGER,)
JERRY KERLEY, DOUGLAS E. TAYLOR,)
DOES 1 THROUGH 10)
Defendants.)

MOTION TO DISMISS

Defendant Beal Financial Corporation (“Beal”) files this Motion to Dismiss pursuant to Rules 12(b)(2) and (6) of the Federal Rules of Civil Procedure, and moves the Court to dismiss the Plaintiff’s Complaint on the basis that there is no personal jurisdiction over Beal, the complaint is barred by the doctrine of res judicata, the complaint, in part, is barred by the statute of limitations for fraud claims, and that the Complaint fails to state a claim upon which relief can be granted.

As grounds, Beal asserts that there is no personal jurisdiction over Beal since it is a corporation created and maintained in another jurisdiction, is not registered as a corporation with the State of Tennessee, does not conduct business in this jurisdiction, and owns no land in this jurisdiction. Beal further asserts that the claims brought against Beal by Plaintiff are barred by the doctrine of *res judicata*, including both issue preclusion and claim preclusion, and therefore the Complaint is due to be dismissed. Beal further asserts that two of the claims asserted by Plaintiff are barred by the applicable statute of limitations for actions involving fraud. Additionally, and alternatively, Beal moves to dismiss Plaintiff’s Complaint for failure to state a claim upon which relief can be granted. For all of the foregoing reasons, Beal respectfully moves this Court to dismiss

Plaintiff's Complaint with prejudice. Furthermore, Beal requests that this Court also enter an order enjoining Plaintiff from filing further actions or proceedings arising out of or from the facts, events, circumstances, and issues related to the Loan.

In support of this Motion, Beal relies upon all pleadings and a supporting Memorandum of Law, filed simultaneously herewith.

Respectfully submitted,

s/ Ronald G. Steen, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2015, a copy of the foregoing was filed electronically with the Clerk's office by using the CM/ECF system and served electronically and via first-class U.S. mail, postage prepaid, upon the parties as indicated below. Parties may also access this filing through the Court's ECF system.

Via E-mail and First Class U.S. Mail:

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